

1 [Development Agreement Amendment - California Barrel Company, LLC - Potrero Power
2 Station]

3 **Ordinance amending a Development Agreement between the City and County of San**
4 **Francisco and California Barrel Company, LLC, a Delaware limited liability company,**
5 **for the Potrero Power Station project, to allow for the establishment of San Francisco**
6 **Enhanced Financing District No. 1 (Power Station); making findings under the**
7 **California Environmental Quality Act; and making findings of conformity with the**
8 **General Plan, and the eight priority policies of Planning Code, Section 101.1(b).**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17 (a) California Barrel Company LLC, a Delaware limited liability company
18 ("Developer"), owns approximately 21 acres of developed and undeveloped land located in
19 the City and County of San Francisco ("City"), generally bound by 22nd Street to the north, the
20 San Francisco Bay to the east, 23rd Street to the south, and Illinois Street to the west
21 ("Developer Property").

22 (b) The Developer and the City executed a Development Agreement dated
23 September 22, 2020, and subject to amendment from time to time ("Development
24 Agreement"), relating to the proposed development of a project known as the Potrero Power
25 Station ("Project"). The Development Agreement was approved by the Board of Supervisors
and Mayor in Ordinance No. 62-20, a copy of which is in File No. 200040.

1 (c) The Project is a phased, mixed use development on or around the Developer
2 Property that is more particularly described in the Development Agreement.

3 (d) By Resolution No. 133-23, the Board of Supervisors and Mayor approved the
4 Resolution of Intention to Establish San Francisco Enhanced Infrastructure Financing District
5 No. 1 (Power Station) in relation to the Project (the "EIFD").
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7 Section 2. Development Agreement Amendment.

8 (a) The Board of Supervisors approves an amendment to the Development
9 Agreement, to revise Exhibit C, the Financing Plan, to the Development Agreement, to make
10 certain changes to allow for the establishment of the EIFD, as well as necessary revisions to
11 the Development Agreement for the establishment of the EIFD, in substantially the form on file
12 with the Clerk of the Board of Supervisors in File No. 231274.

13 (b) The Board of Supervisors approves and authorizes the execution, delivery and
14 performance by the City of the amendment to the Development Agreement as follows: (i) the
15 Director of Planning and (other City officials listed thereon) are authorized to execute and
16 deliver the Development Agreement; and (ii) the Director of Planning and other applicable City
17 officials are authorized to take all actions reasonably necessary or prudent to perform the
18 City's obligations under the Development Agreement in accordance with the terms of the
19 Development Agreement amendment.

20 (c) The Board of Supervisors finds that this ordinance satisfies the requirements of
21 both Article 11 of the Development Agreement and Article 56 of the Administrative Code as
22 governing the amendment of the Development Agreement.

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1 Section 3. CEQA Findings.

2 (a) On January 30, 2020, by Motion No. 20635, the Planning Commission certified
3 as adequate, accurate, and complete the Final Environmental Impact Report ("FEIR") for the
4 Project pursuant to the California Environmental Quality Act (California Public Resources
5 Code Sections 21000 et seq.) ("CEQA"). A copy of Planning Commission Motion No. 20635
6 is on file with the Clerk of the Board of Supervisors in File No. 200040.

7 (b) On September 9, 2020, the Planning Department published an Addendum to the
8 FEIR finding certain proposed changes to the Project's phasing plan did not change the
9 conclusions of the FEIR and that the changes would not result in substantially more severe
10 impacts than what was identified in the FEIR (the "FEIR Addendum").

11 (c) The Board of Supervisors has reviewed and considered the FEIR and FEIR
12 Addendum, and finds that the FEIR and the FEIR Addendum are adequate for their use for
13 the actions taken by this ordinance and incorporates the FEIR and the CEQA findings
14 contained in Ordinance No. 62-20 and the FEIR Addendum by this reference and further finds
15 that, pursuant to CEQA Guidelines Section 15162, no additional environmental review is
16 required because there are no substantial changes to the Project analyzed in the FEIR and
17 the FEIR Addendum, no change in circumstances under which the Project is being
18 undertaken, and no new information that was not known and could not have been known
19 shows that new significant impacts would occur, that the impacts identified in the FEIR and
20 the FEIR Addendum as significant impacts would be substantially more severe, or that
21 mitigation or alternatives previously found infeasible are now feasible.

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23 Section 4. General Plan and Planning Code Section 101.1 (b) Findings.

24 The Board of Supervisors found the Development Agreement conforms with the
25 General Plan and the eight priority policies of Planning Code Section 101.1 by the findings set

1 forth in subsection (a) of Ordinance 64-20 (File No. 200174). The Board of Supervisors
2 incorporates the foregoing findings and determines that such findings are adequate for their
3 use of the actions taken by this Ordinance, including approval of the amendment to the
4 Development Agreement.

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6 Section 5. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

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11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/ Heidi J. Gewertz
14 HEIDI J. GEWERTZ
Deputy City Attorney

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